

// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of July, 2006, at 7:30 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. Council Member Johnson gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Absent: 0

// Mayor Foster recognized Clerk of Council Patricia W. Kost on receiving her Master Municipal Clerk designation from the International Institute of Municipal Clerks.

// Council Members welcomed Council Member Scott Garrett to City Council.

// Copies of the minutes of the June 27 (two meetings) and July 3, 2006 meetings, having been previously furnished Council, reading was dispensed with. Council Member Johnson stated that on the first vote taken for the office of President of Council at the July 3 organizational meeting, he wrote the name of Joan Foster on the ballot even though the Deputy Clerk read into the record that he voted for himself. On motion of Council Member Garrett, seconded by Council Member Seiffert, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of Human Services - General, Resolution #R-06-078 amending FY 2006 City Capital Project Fund and appropriating \$68,540 to fund a replacement access control system in the Human Services Center, laid over from the June 27, 2006 meeting, was again presented and read, and on motion of Council Member Garrett, seconded by Council Member Seiffert, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of Housing Authority, a public hearing was held regarding City Council Report #3 regarding a request from the Lynchburg Redevelopment and Housing Authority (LRHA) for authorization to pursue acquisition of blighted property at 1600-1602 Floyd Street under Section 36-19.5 of the Code of Virginia. LRHA Development Assistant Connie Snavelly provided an overview regarding the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Seiffert, seconded by Council Member Garrett, Council by the following recorded vote adopted Resolution #R-06-082, as presented, approving a request from the Lynchburg Redevelopment and Housing Authority (LRHA) for authorization to pursue acquisition of blighted property at 1600-1602 Floyd Street under Section 36-19.5 of the Code of Virginia:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #4 outlining the petition of Braxton Park, LLC for a conditional use permit at 1002 Enterprise Drive to allow

the construction of a townhouse that would cross the boundary line between the City of Lynchburg and Campbell County. City Planner Tom Martin provided a brief summary of the petition. Mike Morgan, Hurt & Proffitt, Inc., representing the petitioner, outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. In response to Council questioning, City Manager Kimball Payne stated that the townhouse unit that is located in Campbell County will have a permanent address within the City and all services will be provided by the City. Mr. Payne went on to say that any children residing in that townhouse unit would attend the Campbell County Schools. On motion of Council Member Dodson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-06-083, as presented, granting the Conditional Use Permit:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster

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Noes:

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// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report # 5 regarding the rezoning of properties contained within the Federal Hill Historic District and 1114 and 1115 Jackson Street and 1115 and 1118 Federal Street which are immediately adjacent to the southern boundary of the Federal Hill Historic District from R-3, Medium-Density, Two-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District and B-5, General Business District to R-2, Low-Medium Density, Single-Family Residential District. City Planner Tom Martin provided a brief summary of the request and stated that the Planning Commission recommended approval of the rezoning with the removal of the Frank Roane Apartments at 900 Federal Street. Neil Bohnert, representing a number of residents of the historic district, spoke in support of the rezoning request. There was no one else present who wished to speak to this item, and the public hearing was closed. Several Council Members spoke in support of the request. On motion of Council Member Garrett, seconded by Council Member Johnson, Council by the following recorded vote adopted Ordinance #0-06-084, as presented, granting the petition to rezone properties contained within the Federal Hill Historic District (with the exception of the Frank Roane Apartments at 900 Federal Street) and 1114 and 1115 Jackson Street and 1115 and 1118 Federal Street which are immediately adjacent to the southern boundary of the Federal Hill Historic District:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster

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Noes:

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// In the matter of Public Works - General, a public hearing was held regarding City Council Report #6 regarding a request to the Commonwealth Transportation Board to establish a project for the roadside beautification of the Route 460 Corridor from its intersection with Candler's Mountain Road west to the City/County boundary line in accordance with the Virginia Department of Transportation Comprehensive Roadside Management Plan. City Manager Kimball Payne provided a brief summary of the request. Mr. Proctor Harvey, along with other representatives of Liberty University, outlined the request and asked for approval. A representative from the Virginia Department of Transportation (VDOT) expressed concern

that the proposed landscaping activities were not visible in the Council Chamber for the public to comment on. Mr. Harvey agreed to place in the Council Chamber a copy of the proposed landscaping activities. Following a brief discussion regarding process, City Council reached consensus to delay a vote on this item until later on in the meeting to allow time for anyone present to comment on the landscaping activities as displayed in the Council Chamber.

// In the matter of Public Works - General, a public hearing was held regarding City Council Report #7 regarding a request to authorize the City Manager to execute a deed of exchange to convey to Earl M. Driskill, Inc., 0.273 acre of land in exchange for 0.278 acre of land adjoining Peaksview Park and at the northwest terminus of Donington Court. City Manager Kimball Payne provided a brief summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-06-086, as presented, authorizing the City Manager to execute a deed of exchange to convey to Earl M. Driskill, Inc., 0.273 acre of land in exchange for 0.278 acre of land adjoining Peaksview Park and at the northwest terminus of Donington Court:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster

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Noes:

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// In the matter of Airport - General, a public hearing was held regarding City Council Report #8 regarding the sale and conveyance of several parcels of City-owned property containing 27 acres, more or less, located across Route 460 from the Airport to Greenview Properties Airport, LLC. Airport Director Mark Courtney provided a brief summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. In response to Council questioning, Mr. Courtney explained that the Federal Aviation Administration requires that all proceeds acquired from the sale of Airport property that was acquired via federal funding must be used for future approved federal Airport Improvement Projects. On motion of Council Member Gillette, seconded by Council Member Garrett, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-06-087, as presented, approving the sale and conveyance of several parcels of City-owned property containing 27 acres, more or less, located across Route 460 from the Airport to Greenview Properties Airport, LLC. :

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster

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Noes:

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// In the matter of Airport - General, a public hearing was held regarding City Council Report #9 regarding the sale and conveyance of a 9/10 acre lot, more or less, of City-owned Airport property on the east side of Wards Road across from the Airport entrance to Campbell County. Airport Director Mark Courtney provided a brief summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-06-088, as presented, approving the sale and conveyance of a 9/10 acre lot,

more or less, of City-owned Airport property on the east side of Wards Road across from the Airport entrance to Campbell County:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of Airport - General, a public hearing was held regarding City Council Report #10 regarding a request to authorize the City Manager to execute a utility easement/right-of-way with Appalachian Power Company allowing access to City-owned Airport property for the installation and maintenance of utility lines serving the new airport. Airport Director Mark Courtney provided a brief summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Johnson, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-06-089, as presented, authorizing the City Manager to execute a utility easement/right-of-way with Appalachian Power Company allowing access to City-owned Airport property for the installation and maintenance of utility lines serving the new airport:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of Community Planning – Zoning Amendments - Zoning - City Code, a public hearing was held regarding City Council Report #11 regarding an Ordinance to amend City Code Section 35.1-43.1 relating to Conditional Rezoning or Zoning approval for the purpose of allowing City Council more flexibility in accepting voluntarily submitted proffers during City Council meetings. City Planner Tom Martin provided a brief summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Gillette, seconded by Council Member Garrett, Council by the following recorded vote adopted Ordinance #O-06-090, as presented, amending City Code Section 35.1-43.1 relating to conditional rezoning or zoning approval for the purpose of allowing City Council more flexibility in accepting voluntarily submitted proffers during City Council meetings:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of Community Planning – General – City Code, a public hearing was held regarding City Council Report #12 regarding an Ordinance to amend City Code Sections 35.1-23, 35.1-24 and 35.1-56 relating to setbacks, accessory buildings and structures, and cluster development. City Planner Tom Martin provided a brief summary of the request. Mr. Tom Leebrick, an attorney, spoke in support of the proposed changes. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Johnson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #O-06-091, as presented, amending City Code Sections 35.1-23, 35.1-24 and 35.1-56 relating to setbacks, accessory buildings and structures, and cluster development:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// Following Agenda Item #12, City Council reopened the public hearing regarding a request to the Commonwealth Transportation Board to establish a project for the roadside beautification of the Route 460 Corridor from its intersection with Candler's Mountain Road west to the City/County boundary line in accordance with the Virginia Department of Transportation Comprehensive Roadside Management Plan. One citizen spoke in support of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. Following discussion, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-06-085, as presented, requesting the Commonwealth Transportation Board to establish a project for the roadside beautification of the Route 460 Corridor from its intersection with Candler's Mountain Road west to the City/County boundary line in accordance with the Virginia Department of Transportation Comprehensive Roadside Management Plan:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster

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Noes:

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// Mayor Foster announced that Agenda Item #13 has been resolved and no action is needed by City Council.

// In the matter of Community Planning - General, Rick Barnes, Vice Chair of the Planning Commission, provided a brief summary of the Planning Commission's Annual Report. Following the presentation, City Council accepted the Planning Commission Annual Report.

// In the matter of Greater Lynchburg Transit Company (GLTC), City Council Report #15 regarding amending the FY 2007 Adopted General Fund Budget and reallocating \$173,013 from the FY 2007 Capital Improvement Fund project for the purchase of buses for the Greater Lynchburg Transit Company to the General Fund for GLTC operations was considered. GLTC General Manager Mike Carroll along with GLTC Board Chair John Hellewell provided an overview regarding the request. Mr. Carroll explained that the State did not address transportation funding during the most recent session of the General Assembly and as a result GLTC is facing an operations funding shortfall of \$83,629 in State operating assistance in FY 2007. Mr. Carroll went on to say that since the Virginia Department of Rail and Transportation shifted some funds in Lynchburg's favor to increase the Federal and State funding for the purchase of buses and since the City appropriated \$705,650 in pay-as-you-go funding in the FY 2007 Capital Improvement Program as the local match to this Federal and State funding, there is a savings in the Capital Improvement Program of \$173,013 for the purchase of buses. Mr. Carroll stated that GLTC is requesting that the \$173,013 surplus in capital pay-as-you-go funding be reallocated to fund the FY 2007 shortfall of \$83,629 in addition to requesting that the remaining funds of \$89,384 be allocated to GLTC operations to help reduce the FY 2006 anticipated deficit of approximately \$140,000 as a result of higher than anticipated fuel costs and repairs to the aging bus fleet. Mr. Carroll explained that if funding is not reallocated, GLTC will have no alternative but to consider a reduction in services. Council Members expressed concerns regarding a trend that indicates a significant growth in the City's financial contribution to GLTC over the past five years as well as the use of one-time capital funds for recurring expenditures.

Council Members also discussed the broader public policy issue regarding funding and support for public transit in the City and recommended that a letter be forwarded to the City's State representatives regarding the impact on the local level of its inaction on a transportation funding package. Following discussion, and on motion of Council Member Johnson, seconded by Council Member Dodson, Council by the following recorded vote requested that a letter be forwarded to the City's State representatives regarding the impact on the local level regarding its inaction on a transportation funding package and adopted Resolution #R-06-092, as presented, amending the FY 2007 Adopted General Fund Budget and reallocating \$173,013 from the FY 2007 Capital Improvement Fund project for the purchase of buses for the Greater Lynchburg Transit Company (GLTC) to the General Fund for GLTC operations:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of Police - General, City Council Report #16 was considered. On motion of Council Member Garrett, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-06-093, as presented, authorizing the Police Department to apply for federal funding to enhance technology programs for the Police Department:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// On motion of Council Member Garrett, seconded by Council Member Johnson, Council by the following recorded vote elected to hold a closed meeting to conduct the performance evaluations of the City Manager, City Attorney and Clerk of Council pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// The meeting was re-opened to the public.

// Council Member Garrett made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

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The Motion was seconded by Council Member Gillette, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// The meeting was recessed at 11:40 P.M. to August 8, at 1:00 P.M., to conduct a work session regarding several items.

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Clerk of Council